

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEAN FERRER LEYVA-PAZOS,

Defendant.

4:22CR3142

ORDER

Defendant, together with counsel and in the presence of counsel for government, appeared before the undersigned to tender a plea of guilty. Defendant consented to proceed before a magistrate judge.

After being sworn, Defendant was orally examined in open court as required by Federal Rule of Criminal Procedure 11. Defendant was also given the advice required by that Rule, and he was given a full opportunity to address the court and ask questions of the court and his counsel. Defendant's answers to the court's inquiry indicated he knowingly, intelligently, and voluntarily entered into a plea agreement with the government, and he knowingly, intelligently, and voluntarily waived his trial rights, but his responses did not provide a sufficient factual basis for pleading guilty to the crimes charged.

With the agreement of counsel, I find and conclude that there is no factual basis for a plea of guilty. This case will be set for a status hearing.

IT IS ORDERED:

- 1) A status conference will be held before the undersigned magistrate judge at 9:45 a.m. on September 26, 2023 by telephone. All participants shall use the conferencing information provided by the court, (see Filing No. 39), to participate in the call to discuss case progression and a potential trial setting. Counsel for the parties shall be present at the conference.
- 2) The time between today's date and September 26, 2023, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because the attorneys must

now change their focus from resolution by guilty plea to resolution by trial, they now need to locate witnesses and complete trial preparations, and the failure to grant additional time to carry out those tasks could result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

August 30, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge